

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Sammy Lee Pendleton, :
Petitioner : Civil No. 2:09-cv-00081
v. : Criminal No. 2:07-cr-00181
United States of America, : Magistrate Judge Abel
Respondent :
:

ORDER

Petitioner Sammy Lee Pendleton, a federal prisoner, brought this action, which he styled a petition for writ of habeas corpus, alleging that the United States has violated his constitutional rights in connection with the charges pending against him in 2:07-cr-181. This matter is before the Court on petitioner Pendleton's April 30, 2010 objections to the Magistrate Judge's April 21, 2010 Report and Recommendation that the petition be dismissed on initial screening under Rule 4, Rules Governing Section 2255 Cases in United States District Courts.

Petitioner states that he did not file an action under § 2255 this year. However, the Report and Recommendation addressed the § 2255 petition filed in 2:09-cv-81, which remains an open case. Since the § 2255 is premature, petitioner having not yet been tried on the charges in the indictment, and petitioner has abandoned the action, the Court ADOPTS

the Report and Recommendation. The Clerk of Court is DIRECTED to enter JUDGMENT dismissing the § 2255 petition filed in 2:09-cv-81.

s/ James L. Graham
James L. Graham
United States District Judge